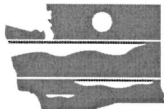




US Army Corps  
of Engineers  
Seattle District



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers  
Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone (206) 764-6904  
Attn: Pamela Sanguinetti, Project  
Manager

WA Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone (360) 407-6068  
Attn: SEA Program, Federal Permit  
Coordinator

Public Notice Date: June 24, 2009  
Expiration Date: July 24, 2009

Reference No.: NWS-2009-248  
Name: So Happy Farms, LLC

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: So Happy Farms, LLC  
9218 15<sup>th</sup> Avenue, Northwest  
Seattle, Washington 98117

ATTN: Bruce R. Olsen  
Telephone: (206) 784-0117

AGENT: Marine Surveys and Assessments  
521 Snagstead Way  
Port Townsend, Washington 98368

ATTN: Amy Leitman  
Telephone: (360) 385-4073

LOCATION: In Hood Canal, on Washington State Department of Natural Resource Tidelands accessed from 94 Seven Sisters Road off the eastern side of Hood Head near Port Ludlow, Washington.

WORK: The proposed project is a two acre commercial geoduck shellfish farm. Site preparation would include the harvest by hand of existing clams. The planting area, after making deductions for eelgrass buffer zones, access corridors, walkways, and public access zones, is one-acre. Beginning at the northern end of the lease area and moving south, a maximum of 1/6 of the available area would be planted each year. Planting would occur on low tides in spring over about a one week period. Geoduck seed would be placed in Vexar© tubes on one-foot centers. The Vexar tubes are twelve-inch long and are constructed of 1/4-inch by 1/4-inch mesh, with a diameter of 4-inches.

The tubes would be placed in the substrate by hand with up to three-inches exposed. Each tube would be covered with porous sock. Tubes would be left in place for up to two years. Access to the site for equipment and personnel would be by boat during high tides. Existing eel grass patches would be marked and there would be a ten-foot buffer between the eelgrass and geoduck seeding. Harvest would be done using hand-held water jets during low tides. The water jets “liquefy” the substrate to a depth of three feet to allow the geoduck to be removed by hand. Sand socks would be placed along the water’s edge and upland of the eelgrass patches in the planting area. These “socks” would allow water to flow through at a controlled rate and lessen sediment from dispersing into Hood Canal or adjacent eelgrass patches. After harvest, the area would be replanted with geoduck. The time period between planting and harvest would be about six years.

PURPOSE: To provide commercial geoduck shellfish for human consumption.

ADDITIONAL INFORMATION –Copies of this public notice, which have been mailed or otherwise physically distributed, feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District’s web page at <http://www.nws.usace.army.mil/> and scroll down the alphabetical listing of District elements, and click on “Regulatory” and then “Regulatory – Permits” for the Seattle District’s Regulatory homepage. Select the prominently displayed “Public Notices” heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.

MITIGATION: No mitigation is currently proposed.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

After receipt of comments from this public notice, the Corps will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are

conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

Corps comments: All e-mail comments should be sent to [Pamela.Sanguinetti@usace.army.mil](mailto:Pamela.Sanguinetti@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Pamela Sanguinetti, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: So Happy Farms, LLC, NWS-2009-248.

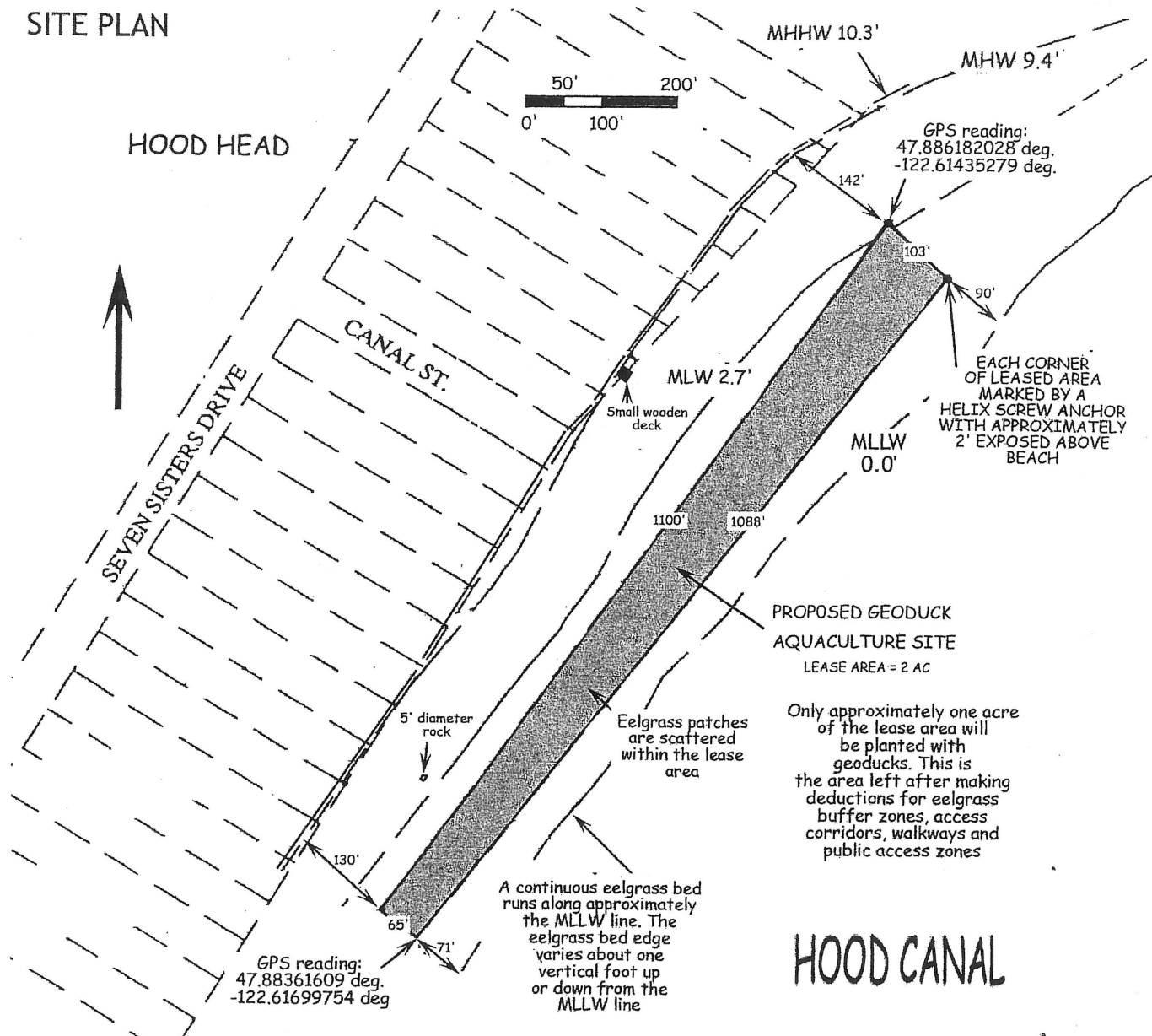
Encl: Figures 1-4





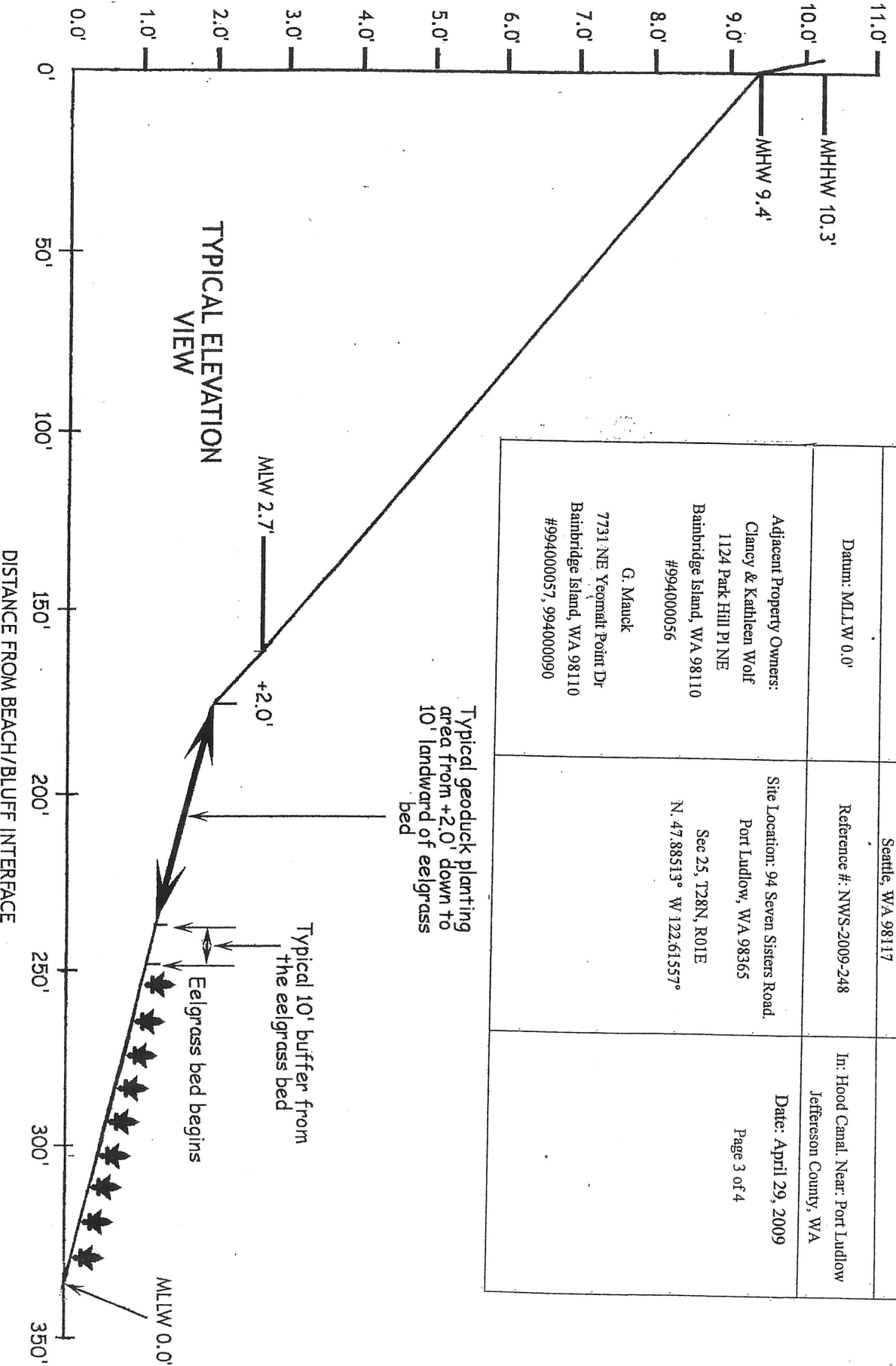
Purpose: Geoduck Aquaculture Farm	Applicant: So Happy Farms, LLC Mail Add.: R. Bruce Olson 9218 15th Ave. N. W. Seattle, WA 98117	Purpose: Two acre geoduck aquaculture farm
Datum: MLLW 0.0'	Reference #: NWS-2009-248	In: Hood Canal. Near: Port Ludlow Jefferson County, WA
Adjacent Property Owners: Clancy & Kathleen Wolf 1124 Park Hill Pl NE Bainbridge Island, WA 98110 #994000056  G. Mauck 7731 NE Yeomalt Point Dr Bainbridge Island, WA 98110 #994000057, 994000090	Site Location: 94 Seven Sisters Road. Port Ludlow, WA 98365  Sec 25, T28N, R01E N. 47.88513° W 122.61557°	Date: <i>April 29, 2009</i> Page 1 of 4

# SITE PLAN



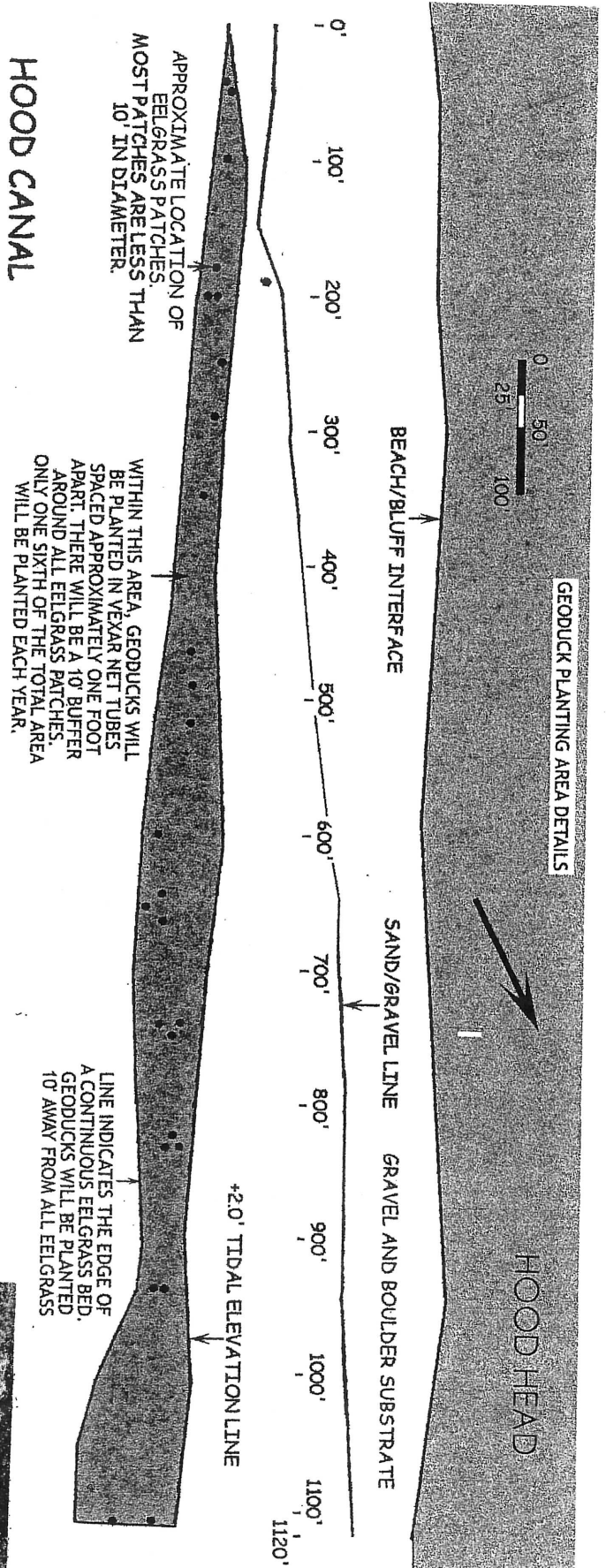
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# TIDAL ELEVATION (MLLW)

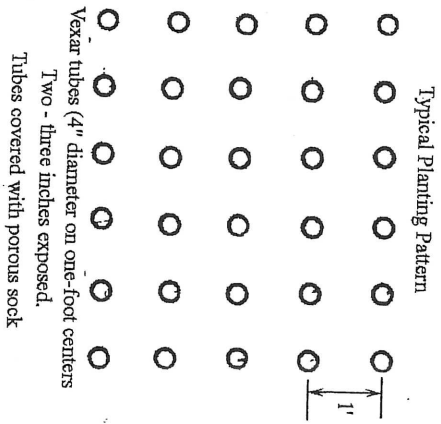


<p>Purpose: Geoduck Aquaculture Farm</p>	<p>Applicant: So Happy Farms, LLC Mail Add: R. Bruce Olson 9218 15th Ave. N. W. Seattle, WA 98117</p>	<p>Purpose: Two acre geoduck aquaculture farm</p>
<p>Datum: MLLW 0.0'</p>	<p>Reference #: NWS-2009-248</p>	<p>In: Hood Canal, Near: Port Ludlow Jefferson County, WA</p>
<p>Adjacent Property Owners: Clancy &amp; Kathleen Wolf 1124 Park Hill Pl NE Bainbridge Island, WA 98110 #994000056</p> <p>G. Mauck 7731 NE Yeomalt Point Dr Bainbridge Island, WA 98110 #994000057, 994000090</p>	<p>Site Location: 94 Seven Sisters Road, Port Ludlow, WA 98365</p> <p>Sec 25, T28N, R01E N. 47.88513° W 122.61557°</p>	<p>Date: April 29, 2009</p> <p>Page 3 of 4</p>





# HOOD CANAL



Purpose: Geoduck Aquaculture Farm	Applicant: So Happy Farms, LLC Mail Add: R. Bruce Olson 9218 15th Ave. N. W. Seattle, WA 98117	Purpose: Two acre geoduck aquaculture farm
Datum: MLLW 0.0'	Reference #: NWS-2009-248	In: Hood Canal. Near: Port Ludlow Jefferson County, WA
Adjacent Property Owners: Clancy & Kathleen Wolf 1124 Park Hill PI NE Bainbridge Island, WA 98110 #994000056	Site Location: 94 Seven Sisters Road. Port Ludlow, WA 98365 Sec 25, T28N, R01E N. 47.88513° W 122.61557°	Date: April 29, 2009 Page 4 of 4
G. Mauck 7731 NE Yeomalt Point Dr Bainbridge Island, WA 98110 #994000057, 994000090		

